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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KATHLEEN IMMEDIATO, individually )  
and as real party in interest to the ESTATE )  
OF RALPH IMMEDIATO, )

Plaintiff, )

v. )

THE UNITED STATES OF AMERICA, )

Defendant. )

No. C 07-03008 MMC  
**E-FILING CASE**

**DEFENDANT'S NOTICE OF  
WITHDRAWAL OF MOTION TO  
DISMISS**

Date: Friday, September 28, 2007  
Time: 9:00am  
Ctrm: 7, 19<sup>th</sup> Floor

PLEASE TAKE NOTICE that in light of plaintiff's amendment of her complaint,  
defendant The United States of America hereby withdraws its pending motion to dismiss.

Respectfully submitted,

SCOTT N. SCHOOLS  
United States Attorney

/s/

Dated: September 5, 2007

OWEN P. MARTIKAN  
Assistant United States Attorney